

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

THE ESTATE OF DeANDRE DAVIS, *et al.*

PLAINTIFFS

CIVIL ACTION NO. 5:20cv101-DCB-MTP

MANAGEMENT & TRAINING CORPORATION, *et al.*

DEFENDANTS

**ORDER**

The settlement conference scheduled for October 7, 2020 at 10:00 a.m. in **Natchez, Mississippi** will be held under the following terms and conditions.

**1. PRIOR SETTLEMENT NEGOTIATIONS REQUIRED.** The settlement conference is not a vehicle to facilitate *the commencement* of settlement negotiations. By **not later than September 29, 2020**, the parties must have exchanged **at least one written settlement demand and one written settlement offer**. The parties must employ these discussions with the intent that the case actually be settled, if possible, without court participation. In other words, the parties and their counsel have an affirmative, good faith duty to take settlement discussions as far as reasonably possible without the assistance of the court.

**2. INDIVIDUALS WITH FULL AUTHORITY.** Counsel, the parties, and representatives **with full settlement authority** must be present. **Due to the current Covid 19 pandemic, the Court may convert the conference to a video and/or telephone conference as conditions dictate. If the conference is not held in person, the parties will be notified in advance of the conference with instructions for accessing the video conference.**

**3. CONFIDENTIAL SETTLEMENT STATEMENTS.** The court directs the parties to submit a confidential written memorandum by October 1, 2020 via e-mail (parker\_chambers@mssd.uscourts.gov). The memorandum shall set forth the following: (a) the

relevant positions of the parties concerning factual issues, issues of law, and damages along with a candid assessment of those positions; (b) the settlement negotiation history of the case, including a recitation of the specific demands and offers that have been conveyed; (c) the names and positions of the individuals who will be attending the settlement conference; and (d) possible settlement figures. It will not suffice for a party to simply mention that it is prepared to negotiate in good faith. The memo should include a settlement amount or range for which the party is agreeable to settle. The memo should not exceed five (5) pages in length. The memo will not be made a part of the case file or shared with any other party. Any party who fails to submit the required memoranda may be subject to sanctions.

**4. PRESENTATIONS AT SETTLEMENT CONFERENCE.** The attorneys must be prepared to give, if requested by the magistrate judge, a brief presentation (**five minutes or less**), similar to an opening statement, outlining the factual and legal strengths of their case. The parties also may be permitted, if they wish, to make brief statements. The judge will then hold separate, confidential caucuses with each party.

**5. CONFIDENTIALITY.** The purpose of the settlement conference is to effectuate settlement of the case if possible, but the settlement conference will be conducted in such a manner as not to prejudice any party in the event settlement is not reached. All matters communicated to the settlement conference judge in confidence will be kept confidential by the judge, and will not be disclosed to any other party.

**6. ASSESSMENT OF COSTS AND EXPENSES.** If a party appears at the settlement conference without having complied with the requirements of this order, then the court may cancel the settlement conference and assess against the noncomplying party, attorney, or both,

reasonable fees and expenses incurred by other parties in attending the settlement conference, as well as any expenses incurred by the court in attending the settlement conference.

SO ORDERED on this 2<sup>nd</sup> day of September, 2020.

s/ Michael T. Parker  
UNITED STATES MAGISTRATE JUDGE